

RECEIVED
CENTRAL FAX CENTER
MAR 23 2005

**FACSIMILE TRANSMITTAL SHEET AND
CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally protected. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone (collect) to arrange for return of the telecopied documents to us.

TO: U.S. Patent Office
Central Facsimile
Processing Facility

FROM: Donald E. Hasse
Hasse & Nesbitt LLC

PHONE: (703) 308-1202
FAX: (703) 872-9306

PHONE: (513) 229-0383
FAX: (513) 229-0683

I, Ira L. Brittain, hereby certify that the below identified correspondence is being facsimile transmitted to the United States Patent and Trademark Office on March 23, 2005.

Signature: Ira L. Brittain

Pages being transmitted:

1. Response to Restriction Requirement Pursuant to 37 CFR 1.143 [in reply to Restriction Requirement dated February 24, 2005 (3 pages)]

Total No. of Pages including this cover letter: 4

Application No.: 10/790,410
Filed: March 1, 2004
Inventor: Hussaini et al.
Attorney Docket No.: DU-002-01
Examiner: Thach H. Bui

COMMENTS:

I hereby certify that this correspondence is being submitted via facsimile to the Central Facsimile Processing Facility of the USPTO at (703) 872-9306 on March 23, 2005

Ira L. Brittain
Ira L. Brittain

Docket No.: DU-002-01
Serial No.: 10/790,410

RECEIVED
CENTRAL FAX CENTER
MAR 23 2005

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Akbar S. Hussaini, et al. : Confirmation No.: 1458
Serial No.: 10/790,410 : Group Art Unit: 3752
Filing Date: March 1, 2004 : Examiner: Thach H. Bui
For: APPLICATION HEAD FOR APPLYING FLUID MATERIAL
TO SUBSTRATE

RESPONSE TO RESTRICTION REQUIREMENT
PURSUANT TO 37 CFR 1.143

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement dated February 24, 2005, please consider the following remarks.

Remarks/Arguments begin on page 2 of this paper.

Docket No.: DU-002-01
Serial No.: 10/790,410

REMARKS/ARGUMENTS

Pursuant to 35 USC 121, the Examiner says that restriction to one of the following inventions is required:

- I. Claims 1-13, drawn to an applicator head having a body portion, a nozzle plate, and at least one material delivery system, classified in class 239, subclass 556.
- II. Claims 14-46, drawn to a sound damping composition comprising n-butyl, and at least about 0.5% by weight of low-density glass bead filler, classified in class 524.

Referring to MPEP 806.04 and 808.01, the Examiner states that these inventions are "distinct" because they are unrelated, i.e., they are not disclosed as being capable of use together and they have different modes of operation, different functions, or different effects. Specifically, the Examiner states that "Claims 1-13 drawn to an applicator head having a body portion, a nozzle plate and at least one material delivery system and Claims 14-46 drawn to a sound damping composition comprises (*sic*) n-butyl, and at least about 0.5% by weight of a low-density glass bead filler" are two different inventions.

In response thereto, Applicants provisionally elect, with traverse, the Invention Group II subject matter of Claims 14-46 drawn to the sound damping composition and methods. Applicants also respectfully request that the Examiner reconsider and withdraw this restriction requirement for the following reasons.

The Examiner says these inventions are "unrelated" and not disclosed as being capable of use together. However, Applicants direct the Examiner's attention to the specification, where the Field of the Invention, the Summary of the Invention, and paragraphs [0036] and [0045], among others, state that the applicator head is useful for applying the sound-damping composition to a substrate and in practicing the claimed methods. Thus, the inventions of Groups I and II are disclosed as being capable of use together, and are related.

Moreover, MPEP Section 803 states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Docket No.: DU-002-01
Serial No.: 10/790,410

Other than referring to different patent classifications for Inventions I and II, no other basis is provided for why searching both inventions would be difficult or burdensome. Accordingly, Applicants respectfully request that the restriction requirement be withdrawn and that Inventions I and II as defined by Claims 1-46 be examined together.

Conclusion

Applicants believe that a proper response has been provided to each matter raised by the Examiner in the pending restriction requirement. Applicants request reconsideration of the application in view of the election and arguments contained herein, and the allowance of all claims.

Applicants would appreciate the courtesy of a telephone call should the Examiner have any questions or comments with respect to this response.

Respectfully submitted,

By:



Donald E. Hasse
Attorney for Applicants
Registration No. 29,387
(513) 229-0383
Customer Number 26868

March 23, 2005